

CRM-M-56566-2024

Date of decision: 04.08.2025

Ayush Chhabra @ Ashu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Madhup Munjal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.88 dated 15.05.2024 (Annexure P-1) under Sections 341/323/506/379-B/34 of IPC registered at Police Station Sadar Fazilka, District Fazilka.

On 16.01.2025, the following order was passed:-

'The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.88 dated 15.5.2024 under Sections 341, 323, 506, 379-B, 34 of the IPC, registered at Police Station Sadar Fazilka, District Fazilka.

On being put to notice, learned State counsel has filed a status report on the previous date of hearing. Learned State counsel has opposed the prayer and submissions made by the counsel opposite for extending the concession of anticipatory bail to the petitioner in view of the specific and serious role attributed to the petitioner in the FIR in question which has been annexed as Annexure P-1, which stands reproduced hereinunder:-

*"On 9.05.2024, Gourav Pruthi, cousin of the complainant, came to his shop and he had a quarrel with Rakesh Kumar Chhabra @ Nikka over a joke made by Gourav Pruthi That on 10.05.2024 accused **Ayush Chhabra**, son of Rakesh Kumar Chhabra @ Nikka, came outside the shop of the complainant and used foul language, incident. being over agitated That on 13.05.2024, at the about 8:15PM, complainant closed his shop and his younger brother Arish came there and handed over the sale amount of two other shops and complainant placed approximately Rs.25000/- cash in his bag and proceeding to his house. That at the main chowk, Mandi Ladhuka, accused **Ayush Chhabra @ Ashu** armed with sword and his uncle accused Ashok Kumar armed with "Kappa" along-with two unknown youths having faces covered, stopped the complainant and accused Ashok*



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*Kumar inflicted blow with "Kappa" which landed little above left elbow of the complainant as he raised his arm in protection and he fell face downwards the ground. Accused **Ayush Chhabra @ Ashu** inflicted 3-4 blows with his sword upon back of the complainant and two unidentified youths inflicted kicks to the complainant hitting little above his left knee and his abdomen. That shopkeepers in the vicinity and public started gathering at the spot due to hue and cry raised by the complainant and the accused gave threats to the complainant and while leaving the spot, accused **Ayush Chhabra @ Ashu** snatched the bag of the complainant having cash. That Sanjiv Kumar, cousin of the complainant, came to the spot and took care of him. That gold chain worn by the complainant lost during the Pruthi occurrence. was also Sd/-Lovish Pruthi"*

It has been contended by the learned State counsel that a perusal of the FIR, reveals that the petitioner, who was armed with a sword along with the co-accused, who too were armed with lethal weapons, inflicted injuries upon the complainant and threatened him to hand over the daily earnings which he was carrying in a bag. Thereafter, the petitioner and the co-accused fled away from the spot.

Learned counsel for the petitioner has, however, submitted that offence under Section 379-B of the IPC already stands deleted and the injuries allegedly inflicted upon the complainant were opined to be simple in nature.

Learned State counsel has fairly conceded that the injuries allegedly sustained by the complainant were indeed found to be simple in nature.

Adjourned to 23.04.2025.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C./482(2) of the BNSS, 2023.'

Learned State counsel on instructions from ASI Gurnam Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 16.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.08.2025

Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No